

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SCOTT E. MCDONALD, D.V.M.,
RESPONDENT.

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FINAL DECISION AND ORDER

0004161

Division of Legal Services and Compliance Case No. 15 VET 006

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Scott E. McDonald, D.V.M.
18 Waverly Ave.
Clarendon Hills, IL 60514

Wisconsin Veterinary Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Veterinary Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Scott E. McDonald, D.V.M., (dob August 15, 1951) is licensed in the state of Wisconsin to practice veterinary medicine, having license number 3738-50, first issued on October 9, 1991 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 18 Waverly Avenue, Clarendon Hills, Illinois 60514.

2. At all times relevant to this proceeding, Respondent practiced veterinary medicine as the owner of a mobile aviary veterinary office with a principle place of business in Clarendon Hills, Illinois.

3. On December 19, 2014, Respondent and the Michigan Board of Veterinary Medicine (Michigan Board) stipulated to a Consent Order (Michigan Order) based on the following facts:

- a. Respondent was performing surgical procedures under unsanitary conditions.
- b. Respondent's protocols for performing surgery, instrument sanitation and places in which Respondent performed surgery fell below the standard of care.
- c. Respondent's records did not include client communications relevant to patient care.

4. As a result, the Michigan Board placed Respondent's veterinary license on probation for a minimum of one year; ordered Respondent to comply with the public health code and to successfully complete 4 credits of continuing education on the topic of avian coelom surgical procedures and 1 credit of continuing education in documentation and recordkeeping.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 453.07(2), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Scott E. McDonald, D.V.M., engaged in unprofessional conduct as defined by Wis. Admin. Code VE 7.06(6), by having a veterinary license or federal veterinary accreditation limited, suspended or revoked, or having been subject to any other discipline or restriction.

3. As a result of the above violations, Scott E. McDonald, D.V.M., is subject to discipline pursuant to Wis. Stat. § 453.07(1)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Scott E. McDonald, D.V.M., is REPRIMANDED.

3. The license to practice veterinary medicine issued to Scott E. McDonald, D.V.M., (license number 3738-50) is LIMITED as follows:

- a. Respondent shall comply with all terms and conditions of the Michigan Order.

- b. Respondent shall notify the Department Monitor, at the address below, within 48 hours of any allegation, pending investigation, disciplinary action or any change in the status of his license to practice veterinary medicine in Michigan.
 - c. Any determination by the Michigan Board of Veterinary Medicine that Respondent violated the terms of its order constitutes conclusive proof that Respondent violated subsection a of this paragraph.
 - c. This limitation shall be removed upon Respondent establishing to the satisfaction of the Board's designee that he has successfully satisfied the requirements of the Michigan Order.
 - d. Respondent shall notify the Department Monitor at least thirty days before engaging the practice of veterinary medicine in the state of Wisconsin. Respondent shall provide the location, dates, times and circumstances of the intended practice.
 - e. Respondent shall, upon request and without prior notice, make any site at which he engages in the practice of veterinary medicine or at which he offers to engage in the practice of veterinary medicine available for inspection by the Board's designee(s). This provision includes but is not limited to a mobile practice vehicle. The Board's designee may, with cause and at least 48 hours, require Respondent to present his mobile office for inspection at the offices of the Department of Safety and Professional Services in Madison, Wisconsin.
4. Within ninety (90) days from the date of this Order, Scott E. McDonald, D.V.M., shall pay COSTS of this matter in the amount of \$90.00.
5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, fails to submit proof of changes of the status of his Michigan license, fails to notify the Department Monitor of any change in the Michigan Order as ordered, or fails to provide advance notice of

his intent to practice veterinary medicine in the state of Wisconsin, Respondent's license (no. 3738-50) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs or as the Board's designee determines is otherwise advisable.

7. This Order is effective on the date of its signing.

WISCONSIN VETERINARY EXAMINING BOARD

by: P. C. Johnson DVM
A Member of the Board

7/29/15
Date

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SCOTT E. MCDONALD, D.V.M.,
RESPONDENT.

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STIPULATION

0004161

Division of Legal Services and Compliance Case No. 15 VET 006

Respondent Scott E. McDonald, D.V.M., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

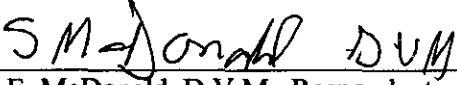
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Veterinary Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.


7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Scott E. McDonald, D.V.M., Respondent
18 Waverly Ave.
Clarendon Hills, IL 60514
License no. 3738-50

4.28.15
Date



Sandra L. Nowack, Attorney
WI State Bar No. 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
Fax (608) 266-2264
sandra.nowack@wisconsin.gov

5/6/15
Date